



OFFICE OF THE CITY MANAGER

NO. LTC# **344-2015**

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Rafael E. Granado, City Clerk

DATE: September 4, 2015

SUBJECT: **SPECIAL ELECTION VOTERS GUIDE**

Attached please find the November 3, 2015 City of Miami Beach Special Election Voters Guide.

The purpose of this Voters Guide is to provide objective and impartial explanations of ballot questions, so that City voters may, in casting their votes, be more informed with the City issues presented to them at the polls.

The Voters Guide was prepared by the Office of the City Attorney and has been edited by the City Clerk to ensure objective and impartial explanations of the ballot questions.

The Voters Guide will be published in both English and Spanish in the upcoming MB Magazine and will be posted on the City's Elections webpage.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

JLM/REG

Attachment

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NOVEMBER 3, 2015 CITY OF MIAMI BEACH SPECIAL ELECTION: VOTERS GUIDE

On November 3, 2015, the City of Miami Beach will be conducting its General Election, at which time it will also be conducting a Special Election for the purpose of presenting two ballot questions to the City's voters. One ballot question proposes an amendment to the City's Charter and the second ballot question presents a non-Charter referendum issue.

The purpose of this Voters Guide is to provide objective and impartial explanations of these ballot questions, so that City voters may, in casting their votes, be more informed with the City issues presented to them at the polls. The explanations set forth below are intended to provide general information, and members of the public seeking further information may contact the Office of the City Clerk at 305.673.7411.

GENERAL INFORMATION--DATES:

- ✓ **October 5, 2015:** Deadline by which Miami-Dade County Elections Department must receive Voter Registration Application, or, if mailed, postmarked by that date.
- ✓ **October 19-November 1, 2015:** Early Voting will take place in the following two sites located within the City of Miami Beach (for site hours, contact the Office of the City Clerk at 305.673.7411):
 - Miami Beach City Hall (1st floor Conference Room), 1700 Meridian Avenue, Miami Beach.
 - North Shore Branch Library (Program Room), 7501 Collins Avenue, Miami Beach.
- ✓ **October 28, 2015:** Deadline by which Miami-Dade County Elections Department must receive a request for absentee ballot to be mailed.
- ✓ **November 3, 2015:** Election Day (vote at the designated precinct printed on your Voter Information Card issued by Miami-Dade County).

Amending Charter Section 1.03(b)(4) to Provide for Alienability of Miami Beach Redevelopment Agency ("Agency") Property.

Charter Section 1.03(b)(4) requires the sale, exchange, conveyance or lease of ten years or longer of City-owned property (not requiring voter approval or otherwise addressed in City Charter) to be approved by Planning Board's 4/7 vote and City Commission's 6/7 vote. Should Section 1.03(b)(4) be amended to require Planning Board's 4/7 vote and Miami Beach Redevelopment Agency's 7/8 vote to approve sale, exchange, conveyance or lease of ten years or longer of Agency property?

Pursuant to Section 1.03(b) of the City Charter, the sale, exchange, conveyance or lease of ten years or longer ("alienability") of City-owned property (not requiring voter approval or otherwise addressed in the City Charter) requires approval of the City's Planning Board by a 4/7 vote and approval of the City Commission by a 6/7 vote. The City's Planning Board and the City Commission are both composed of 7 members.

This proposal seeks to amend Section 1.03(b)(4) of the City's Charter by providing that the alienability of property owned by the Miami Beach Redevelopment Agency (Agency) shall require approval by a majority 4/7 vote of all members of the Planning Board and a 7/8 vote of the Agency. Prior to 2015, the Agency consisted of seven members (the 7 members of the City Commission). Effective in 2015, the Agency is comprised of 8 members (the 7 City Commission members plus the Miami-Dade County Commission member for District 5). The voting requirements for the alienability of Agency-owned property would be comparable to voting requirements for the alienability of City-owned property, except that the requisite Agency vote would be 7/8, due to the fact that the Agency now has 8 members.

1.0 Maximum FAR Increase for Residential and Hotel Uses in the Ocean Terrace Overlay District

Shall the Floor Area Ratio (FAR), which regulates the overall size of a building, for the "Ocean Terrace Overlay District," located between 73rd and 75th Streets, Collins Avenue, and Ocean Terrace, and has underlying zoning designations of "Commercial District-2" ("CD-2") and "Mixed Use Entertainment District" ("MXE"), be increased from a maximum of 2.0 FAR to a maximum of 3.0 FAR, which increased FAR shall be used only for residential and hotel uses?

Pursuant to City Charter Section 1.03(c), the City is required to hold an election and obtain a majority vote of the electorate in order to allow any increase in the Floor Area Ratio (FAR) of any property. The City's Land Development Regulations define "Floor Area Ratio" as the floor area of the building or buildings on any lot divided by the area of the lot. FAR allows the City to determine the maximum allowable size of a building.

The ballot question above asks you to decide whether the existing maximum 2.0 FAR for properties in the proposed "Ocean Terrace Overlay District" (the "District") should be increased by 1.0 FAR, to a maximum FAR of 3.0 only for the residential and hotel uses in the District. Commercial or retail uses in the District would remain at the 2.0 FAR maximum.

If this ballot question is approved by a majority of the voters, the City Commission would be allowed to adopt an ordinance to create the District and increase the FAR for residential and hotel uses within the District up to a maximum FAR of 3.0. If such ordinance were adopted, property owners within the District would be able to construct buildings for residential or hotel uses at a maximum FAR of 3.0. This could result in the construction of buildings with increased floor area than currently allowed for residential and hotel units.

The District is proposed to be located between 73rd and 75th Streets, from Collins Avenue on the west to Ocean Terrace on the east. The zoning map below depicts the proposed boundaries of the "Ocean Terrace Overlay District" and the various surrounding zoning districts. The following color coding is provided to assist in understanding the map:

- The pink area is the Commercial District-2 (CD-2) zoning district.
- The purple area is the Mixed use Entertainment (MXE) zoning district.
- The brown area is the Multifamily Residential-1 (RM-1) low intensity zoning district.

- The yellow area is the Single Family Residential-4 (RS-4) zoning district.
- The blue area is the Government Use (GU) zoning district.
- The red cross-hatched area and line, encircling the MXE zoning district and that portion of the CD-2 zoning district east of Collins Avenue between 75th Street and 73rd Street, outlines the boundaries of the proposed District.

Ocean Terrace Overlay

Zoning Map

